

REMARKS

No claims have been currently amended. Claims 12-23 were canceled previously. Claims 1-11 are still pending in the application.

Interview Summary

Applicant would like to thank the Examiner for the telephone interview conducted on January 16, 2008. In the interview, some of the specific limitations of claim 1 were discussed, and Applicant's counsel orally presented arguments similar to those below. The Examiner asked Applicant to submit the arguments in a written response.

Claim Rejections Under 35 U.S.C. §§ 102 and 103

The Office Action rejects claims 1-7 and 10 under 35 U.S.C. § 102(b) as being anticipated by Arnold et al. (U.S. Patent No. 5,180,038 and rejects claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Arnold et al. Applicant disagrees with these rejections because Arnold does not teach or suggest each and every limitation recited in independent claim 1.

Claim 1. Independent claim 1 recites, among other things, the limitation "wherein the spindle/nut assembly can be axially displaced within the operating mechanism." Applicant would like to point out that this limitation recites that "the spindle/nut assembly" is capable of axial displacement. The Office Action asserts, on pp. 2-3, that Arnold et al. teach or suggest this limitation, but this is incorrect. Arnold et al. instead teach just the opposite: "Thus, the drive screw [36] *is maintained against longitudinal movement relative to the housing intermediate wall 2c*, and is supported by bearing 32 for rotation relative to the housing" (Arnold et al., col. 3, lines 51-55; emphasis added). Only the bell-shaped movable member 8 is capable of axial

displacement within the operating mechanism of Arnold et al. Thus, Arnold et al. expressly teach away from the above-quoted limitation recited in claim 1.

Claim 1 also recites the limitation “wherein . . . the spindle/nut assembly bears against the load sensor such that the displacement necessary for determining the load is carried out by the spindle/nut assembly.” Arnold et al. necessarily do not teach this limitation either because, as demonstrated above, they teach that drive screw 36 is incapable of the recited axial (“longitudinal” in Arnold et al.) displacement relative to the housing 2.

Claim 1 also recites the limitation “a load sensor for determining a mechanical load of the at least one brake cable.” The Office Action asserts, on pp. 2-3, that Arnold et al.’s main spring 30 or a combination of main spring 30 and rotation counter 66 corresponds to the recited “load sensor.” This is also incorrect for reasons that will be explained in detail below.

Arnold et al.’s main spring 30 is not “a load sensor for determining a mechanical load of the at least one brake cable.” First, rather than being part of any kind of load sensor, main spring 30 is the *primary force-generating element* in the disclosed electrically controlled parking brake. In the brake-applied position, Arnold et al.’s main spring 30 generates the braking force by urging the bell-shaped moveable member 8 to the right in Fig. 1 (see Arnold et al., Fig. 1 and col. 3, lines 32-41). To release the brake in Arnold et al., the drive screw 36 and nut member 42, responsive to helical clutch spring 70, compress this main compression spring 30 to the left in Fig. 1 (see Arnold et al., Fig. 1 and col. 4, lines 9-16). In fact, when main spring 30 is in its compressed state, the force applied to brake cable 20 could even be zero.

Second, a mechanical spring such as main spring 30 cannot, by itself, serve as a “load sensor” to “determin[e] a mechanical load,” as asserted in the Office Action. Such a mechanical

spring simply does not satisfy the functional language (“determining a mechanical load”) recited in claim 1.

The combination of Arnold et al.’s main spring 30 and rotation counter 66 is also not “a load sensor for determining a mechanical load of the at least one brake cable.” Rotation counter 66 measures the number of turns of drive screw 36 to determine the displacement of moveable member 8 along drive screw 36 (see Arnold et al., col. 4, lines 3-8 and col. 6, lines 7-11). Since the drive screw 36 is electrically driven, the force generated by the drive screw 36 is different from the force generated by main spring 30 on cable 20. In fact, even if cable 20 in Arnold et al. were severed (no load at all), rotation counter 66 would still measure the same displacement of moveable member 8 along drive screw 36. Rotation counter 66, thus, does not measure the force applied to cable 20 by main spring 30. Therefore, rotation counter 66 cannot, separately or in combination with main spring 30, satisfy the limitation “a load sensor for determining a mechanical load of the at least one brake cable” recited in claim 1.

Because Arnold et al. do not teach or suggest each and every limitation recited in claim 1, Arnold et al. do not anticipate claim 1, and claim 1 is believed to be allowable. Each of claims 2-11 is thus also allowable at least by virtue of its depending from allowable claim 1. Withdrawal of the rejections of claims 1-7 and 10 under § 102(b) and of claim 11 under § 103(a) is respectfully requested.

Allowable Subject Matter

Applicant would like to thank the Examiner for the indication of allowable subject matter in connection with claims 8 and 9.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that no further impediments exist to the allowance of this application and, therefore, requests an indication of allowability. However, the Examiner is requested to call the undersigned if any questions or comments arise.

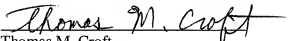
The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

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